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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/753,686

01/04/2001

Adrian E. Colley

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06/19/2006

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EXAMINER

NGUYEN, VAN H

ART UNIT

PAPER NUMBER

2194

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/753,686

Applicant(s)

COLLEY ET AL.

Examiner

Van H. Nguyen

Art Unit

2194

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: 1-9, 15, 17 and 19-22.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


WILLIAM THOMSON
PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: In response to the Final Office Action dated 02/16/2006, applicant argues:

(1) Pelegri-Llopart does not teach passing a first object from the sender to the recipient. Instead, Pelegri-Llopart discloses passing only an "object references [that] includes an interface descriptor and an object handle associated with the object" [p. 8, line 3 - p. 9, line 7; pp. 11 - 12]; and

(2) Pelegri-Llopart does not teach passing a first object with a handle and passing a second object with a handle [p. 9, line 8 - p. 10, line 13].

In response to argument (1), examiner respectfully disagrees. In applicant's specification, applicant describes sending an object using serialization context [p. 10, lines 12 - 20] and the serialization context maps a class descriptor to a corresponding integer handle [p. 9, lines 2 - 7, see also Fig. 3]. Pelegri-Llopart discloses serialization context [object reference; i.e. col. 7, line 55 - col. 8, line 67] that maps a class descriptor [interface descriptor; i.e. col. 7, line 55 - col. 8, line 67] to a corresponding integer handle [object handle; i.e. col. 7, line 55 - col. 8, line 67]. Therefore, the limitation "passing the first object" and "passing the second object" as claimed and according to the specification does not actually pass the object, but only passes data representing the object and recreating the object at the recipient using the data representing the object. Pelegri-Llopart teaches sending data representing the object [an object reference having an interface descriptor (e.g., a list) of the interfaces supported by the implementation of the remote object; i.e. col. 6, lines 9 - 20] and recreating the object at the recipient using the data presenting the object [generates a stub object from the interface descriptor (e.g., list of interfaces). In step 498, the present invention assigns the object handle to the stub object; i.e. col. 8, lines 9 - 67]. Therefore, Pelegri-Llopart anticipates the claims are recited.

As to argument (2), examiner disagrees and notes that Pelegri-Llopart teaches sending the first object with a descriptor of the class and a handle corresponding to the descriptor [first time a given interface descriptor is sent, the tag is followed by a complete interface descriptor; i.e., col. 9, lines 50 - 67], sending the second object with a handle [next time the sending machine wants to send that interface descriptor to the same receiving machine, the tag is sent instead; i.e., col. 9, lines 50 - 67] and using the handle received by the recipient with the second object to access the descriptor received by the recipient with the first object [If the common interface list 612 corresponds to one of the list identifiers in table 618, a stub class (or pointers to the class) may be generated (i.e., copied) from table 618; i.e. col. 9, lines 50 - 67]. Pelegri-Llopart discloses caching the interface descriptor so that the next time the sending machine wants to send the interface descriptor, it only sends a reference to the interface descriptor and the recipient would be able to access the interface descriptor using the reference.